

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL D. MORALES VALLELLANES
Plaintiffs,

v.

JOHN E. POTTER, et. al.
Defendants

CIVIL NO. 97-2459 (JAG/GAG)

MOTION TO COMPEL ENFORCEMENT OF SUBPOENA

TO THE HONORABLE COURT:

COME NOW the defendants through the undersigned attorneys to respectfully request, pursuant to Fed.R.Civ.P. 45(d)(1)(A), for an Order to Compel Enforcement of Defendants' Subpoena for a deposition to be taken on October 24, 2006 of Plaintiff's announced Expert Witness, Dr. Guillermo Hoyos, Psychiatrist.

Defendants' Subpoena (**See Attachment 1**) requires Dr. Hoyos to produce the complete medical chart for Plaintiff Angel David Morales Vallellanes updated as of deposition date. Dr. Hoyos is and has been Plaintiff's treating physician on a continuous basis since 1997. The last report we have from him dates back to June 29, 2006. Almost four (4) months have elapsed and the Defendants are entitled to have an updated and complete medical file for plaintiff's psychiatric condition and treatment to be used at trial for their defense.

The plaintiff has opposed the above. He argues that Dr. Hoyos will not produce Plaintiff's medical chart at his scheduled deposition for the reasons stated at **Attachment 2**.

Plaintiff's opposition is baseless. It runs against the clear letter and spirit of Fed.R.Civ.P. 45(d)(1)(A) which textually reads as follows:

“A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.” (Emphasis added).

In view of the above, an Order to Compel Enforcement of Subpoena is requested from this Honorable Court, whereby Dr. Hoyos is to produce, at his deposition, the complete medical file in his possession as it relates to his patient, Plaintiff Angel David Morales Vallellanes.

WHEREFORE, the Defendants respectfully request from this Honorable Court for an enforcement order to compel Dr. Guillermo Hoyos to produce at his deposition the complete medical chart for plaintiff Morales Vallellanes as hereinabove set forth.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Court using CM/ECF system, which will submit notification of such filing to: Miguel Miranda, Esq.

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RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this 17th day of
October 2006.

ROSA EMILIA RODRIGUEZ VELEZ
United States Attorney

S/Fidel A. Sevillano Del Río
Fidel A. Sevillano Del Rio
U.S.D.C.-PR 117812
Assistant U.S. Attorney
District of Puerto Rico
Torre Chardon Building, Suite 1201
350 Carlos Chardon Street
Hato Rey, Puerto Rico 00918
Telephone: (787) 766-5656
Facsimile: (787) 766-6219